

# UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,040	09/04/2003	Stephen V. Deckers	10016172-3 8460	
7:	590 07/26/2004		EXAM	INER
HEWLETT-PACKARD COMPANY			TRAN, KHOI H	
Intellectual Property Administration P. O. Box 272400			ART UNIT	PAPER NUMBER
Fort Collins, CO 80527-2400			3651	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estanciano of time may be absolved under the procedure of 37 CFR 1.138(a), in no event, however, may a reply be timely filled  Estanciano of time may be absolved under the procedure of 37 CFR 1.138(a), in no event, however, may a reply be timely filled  Estanciano of time period for reply specified above is less than thirty (50) days, a reply within the statutory minimum of thirty (50) days, will be considered timely.  If the period for reply specified above is less than thirty (50) days, a reply within the statutory period villagely and will explore (50) MONTHS from the mailing date of this communication.  Falars to reply within the sact or extended period for reply will, by statute, cause the application to become ABANDONED (50 U.S. 5, 1315).  Calcinum (50 Months of Mont		Application No.	Applicant(s)				
Noi H Tran   3651		10/656,040	DECKERS, STEPHEN V.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Established for time ruple available under the provision of ST CRT 1:30(a), in no event, however, may a raphy be timely filed  The period for reply specified shore is less than thirty (20) delays, a reply within the statistics may be realised under the provision of ST CRT 1:30(a), in no event, however, may a raphy be timely filed  If the period for reply specified shore is less than thirty (20) delays, a reply within the statistics may be considered timely.  If the period for reply specified shore is less than thirty (20) delays, a reply within the statistics mainly delay delay and the period period for reply vall, by attains, cause the application to become ABACONED (3S U.S.C. § 133)  Final to reply a specified shore is less than thirty (20) delays, a reply within the statistics may be considered timely.  This action is FINAL.  2b) This action is non-flinal.  2b) This action is non-flinal.  2c) This action is FINAL.  2b) This action is non-flinal.  2c) Spootition of Claims  4) Claim(s) 28-42 is/are pending in the application.  4a) Of the above claim(s) 29.30.32,34,35 and 40-43 is/are withdrawn from consideration.  4a) Of the above claim(s) 29.30.32,34,35 and 40-43 is/are withdrawn from consideration.  5b) Claim(s) is/are allowed.  6b) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9 The specification is objected to by the Examiner.  10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9 The specification is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some "Old None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified co	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Is described of time may be available under the proteitions of 37 CFR 1.136(s). In an event, however, may a reply be timely filled  If the period from they available under the proteitions of 37 CFR 1.136(s). In an event, however, may a reply be timely filled  If the period from they apposed base to like site than they of 1.136(s). In an event, however, may a reply be timely filled  If the period from they apposed base is be shall than they in the selection may be shall they apply and will expire SIX (8) MONTHS from the mailing date of this communication.  If they period yields the side of security will be period to the security of the security of 1.136 (1.136)							
THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be available under the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely field after SIX (b) MONTHS from the mailing date of this communication, supply within the asterior principle of the communication of the provision of t	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 28-43 is/are pending in the application.  4a) Of the above claim(s) 29,30,32,34,35 and 40-43 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 28.31,33 and 36-29 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  **HOI H.TRAN PRIMARY EXAMINER**  Attachment(s)  1) Notice of Professor's Patent Drawing Review (PTO-948) objection formal Patent Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  KHOI H. TRAN PRIMARY EXAMINER  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
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a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received. KHOI H. TRAN PRIMARY EXAMINER  **Attachment(s)**  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  **Topic Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119						
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	<ul> <li>2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ul>	Paper No(s)/Mail Di 5)	ate				

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### **DETAILED ACTION**

#### Election/Restrictions

1. In response to the non-responsive notice mailed on 06/22/2004, Applicant has provisionally elected Group I, Species VII, claims 28, 31, 33, and 36-39 for prosecution thereof. The election of species was given in a telephonic communication with Mr. Tom Olson on July 21, 2004.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 28, 31, 33, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski et al. 6,731,455 in view of Stefansky 5,329,412.

Kulakowski '455 discloses a data storage library per claimed invention. The library comprises a plurality of storage areas for housing plurality of hard disk drive device (HDD, see Figures 1A and 4). The library comprises robotic grippers 62 for gripping and moving said HDD 's (Figures 2 and 3) from/to said storage areas. The library comprises a host device 72 (Figure 2) for controlling the library operations. The library comprises plurality of interfaces for communicatively linking the HDD 's to the host device (Figures 2, 3, and 4). Kulakowski '455 data storage library is also capable of handling tape cartridges or a combination of tape and hard disk drive devices

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(column 11, lines 21-47). However, Kulakowski '455 is silent as to the specific of the HDD having form factor in the shape of a tape cartridge.

Stefansky '412 discloses a portable hard disk drive device. Stefansky '412 teaches that the hard disk drive device housing can have the dimension of a tape cartridge (column 1, lines 55-61).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the housing dimension of Kulakowski '455 HDD coincides with the housing dimension of a magnetic tape cartridge, as taught by Stefansky '412, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F .2d 272, 205 USPQ 215 (CCPA 1980). Furthermore, it would have been obvious for one of ordinary skill in the art to have provided Kulakowski '455 HDD with a housing having the same dimension of a magnetic tape housing because such HDD cover had been known in the art, as demonstrated by Stefansky '412.

In regards to claims 31 and 37, Kulakowski '455 discloses all elements per claimed invention as explained above. However it is silent as to the specifics of the HDD having form factor in the shape of a Digital Linear Tape (DLT).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the housing dimension of Kulakowski '455 HDD coincides with the housing dimension of a Digital Linear tape cartridge since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F .2d 272, 205 USPQ 215 (CCPA 1980).

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#### Conclusion

4. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khoi H Tran
Primary Examiner

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KHT 07/23/2004